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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/063,335      | 04/20/98    | NORTHCUTT            | J 830001013/P.      |

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LMC1/0706

EXAMINER

VU, V

ART UNIT

PAPER NUMBER

2758

DATE MAILED:

07/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/063,335

Applicant(s)

Northcott et al

Examiner

V. Vu

Group Art Unit

2758

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-30-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-48 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-48 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,10
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**DETAILED ACTION**

1. This office action responds to applicant's preliminary amendment filed 6/30/2000. Claims 1-48 are pending.

**Art Rejections:**

2. The texts of 35 U.S.C. 102(e) and 103(a) not cited here can be found in the previous office action.

3. Claims 1-2, 5-13, 16-24, 27-31, 33, 35-38 and 42-48 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Diener, U.S. pat. No. 5,784,562.

Diener discloses a computing system comprising:

- a) a plurality of data service providers (52, 60, fig. 1b) coupled to an interconnect fabric for providing data/services,
- b) a proxy service (44, fig. 1b) for providing user login service, maintaining user accounts, tracking user sessions, processing user's requests and retrieving data from the data service providers for delivery to users in response to user's requests wherein the session server allows user to interrupt a session at one interface device and resume the session at another interface device at later time (see col 1, lines 53-66 and col 2, lines 5-38),
- c) a stateless human interface device (32, fig. 1a) comprising:

(I) input means for initiating a session and transmitting a request to the proxy service,

(ii) means for receiving data from the proxy service,

(iii) means for displaying the received data (see col 4, lines 16-23).

It is noted that a login process usually requires a password.

4. Claims 3-4, 14-15, 25-26, 32, 34 and 39-41 are rejected under 35 U.S.C. § 103 as being unpatentable over Diener in view of White et al, U.S. pat. No. 5, 983,273.

As to claims 3, 25 and 32, Diener does not teach using a smart card to identify a user. The use of smart card is well-known in the art as disclosed by White (see White's col 4, lines 5-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize smart card in Diener because it would have enabled the user to gain access to the system or to his/her account more quickly.

As to claims 4, 26 and 34, neither Diener nor White teach using a biometric identifier to provide an unique user identification. An official notice is taken that the use of such biometric identifier is also well-known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any types of user identifiers to uniquely identify the authorized user.

As to claims 14-15 and 39-42, White teaches integrating the Internet browsing device within a traditional broadcast receiver (see White's col 4, lines 24-31).

**Response to Amendment:**

5. Applicant's arguments filed on 6/30/2000 with respect to claims 1-48 are moot in view of new grounds of rejection set forth above.

**Conclusion:**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Art Unit 2758  
7/3/00

**VIET D. VU**  
**PRIMARY EXAMINER**